March 22, 2018

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20054

Re: Notice of Ex Parte Communication, *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59.

Dear Ms. Dortch:

On Tuesday, March 20, 2018, Michele A. Shuster, General Counsel of the Professional Association for Customer Engagement ("PACE") and Karl Koster of Noble Systems Corporation, participated in two meetings with Federal Communications Commission ("FCC" or "Commission") staff regarding the Commission's recent activities to target and eliminate unlawful calls. FCC staff in the first meeting included Mark Stone, Deputy Bureau Chief, Consumer & Governmental Affairs Bureau, Kurt Schroeder, Division Chief, Consumer Policy Division, Consumer & Governmental Affairs Bureau, and Jerusha Burnett, Attorney-Advisor, Consumer & Governmental Affairs Bureau. Zenji Nakazawa, Public Safety and Consumer Protection Advisor to Chairman Pai, participated in the second meeting.

During the meetings, PACE presented on best practices currently in development to mitigate the effects of erroneous call blocking. PACE suggested that one mitigation strategy includes the use of an intercept message to inform callers when calls are blocked, similar to other intercept messages that have been in use since the 1950s. A copy of the presentation materials is included herewith.

Pursuant to 47 C.F.R. § 1.1206(b), the undersigned files this notice electronically in the above referenced docket.

Sincerely,

Michele A. Shuster, Esq.
General Counsel
Professional Association for Customer Engagement
Partner, Mac Murray & Shuster LLP

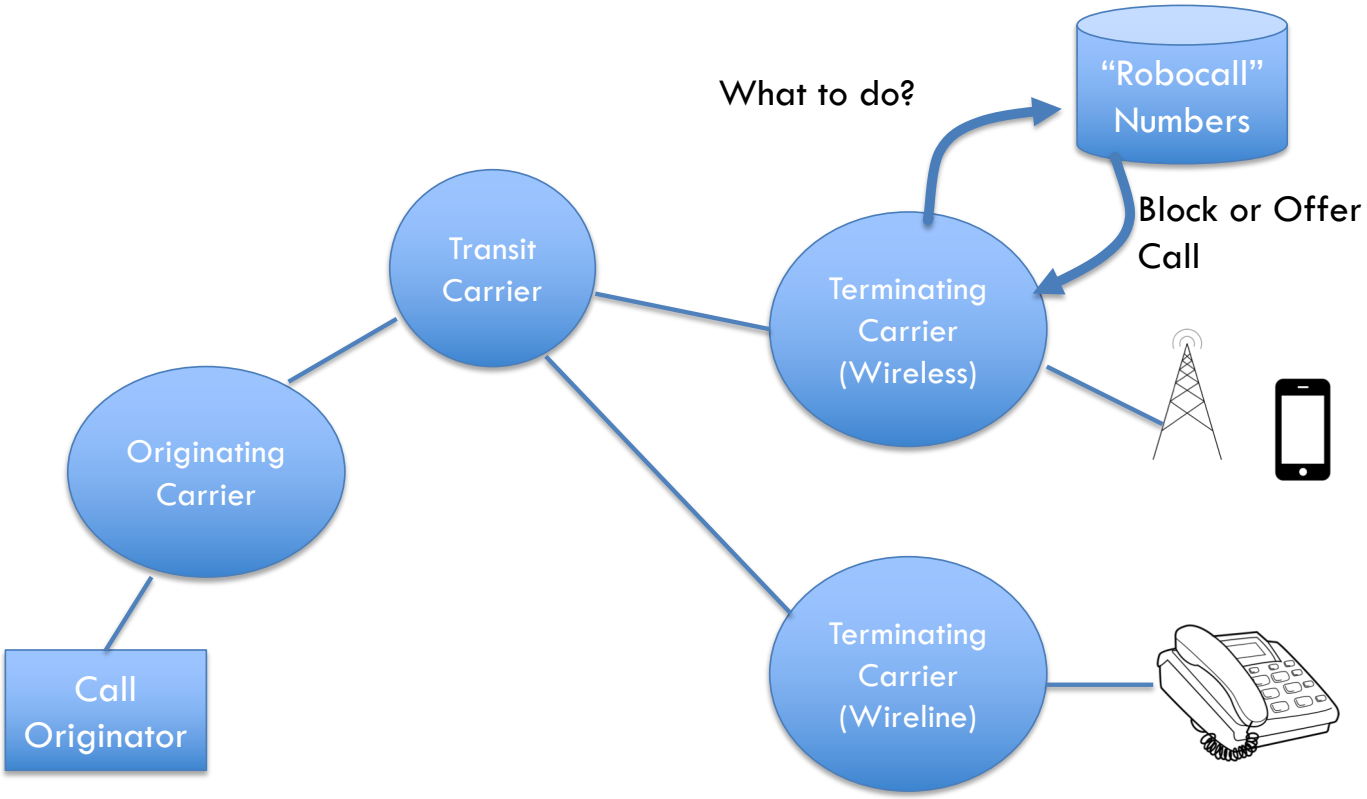
Enclosure

Per-Call Blocking Indication

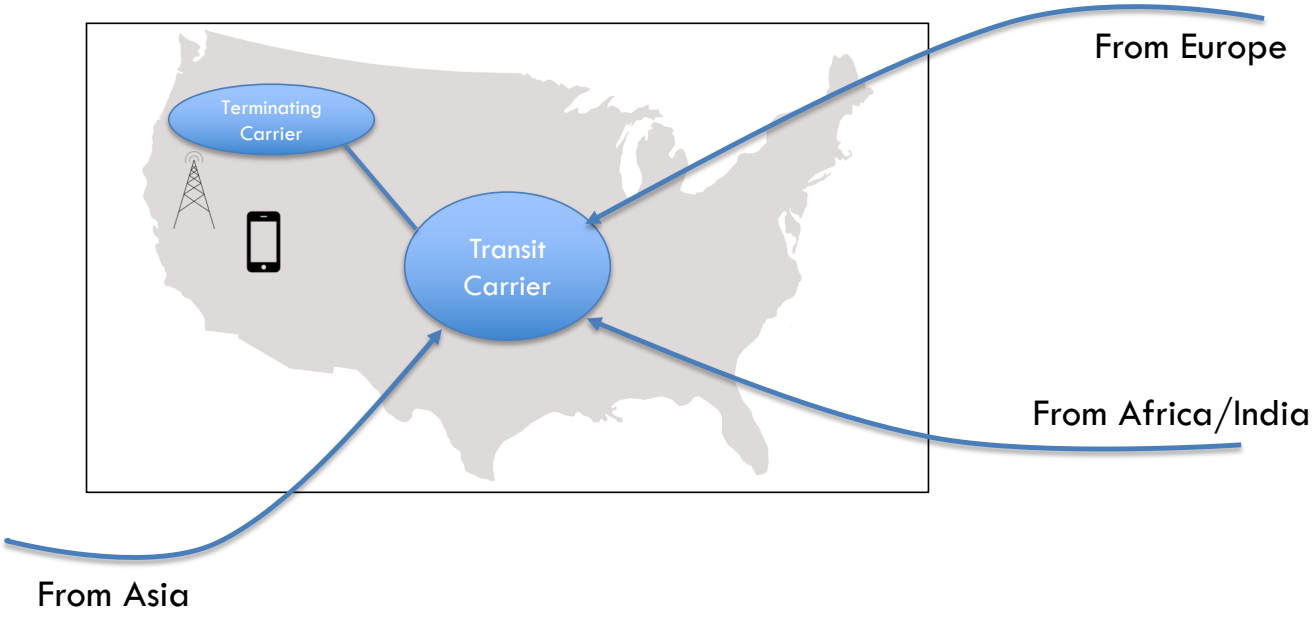
- Issue: when a call is blocked, what treatment should be provided to the call originator?

- Context: blocking by a terminating service provider using analytics

Robocall Processing – Call Blocking



Not Necessarily Applicable to Call Blocking International Calls Using invalid, unassigned, unallocated or unauthorized numbers



Common Call Treatments

-Ringing (no answer)

-Answer

-Busy

-Reject

-Intercept (announcements)

Why Not Provide Busy Indication?

-Misleading

- caller is not busy
- violates FCC requirements (FCC DA 12-154)

-Adverse Service Interactions

- Call completion to busy subscriber ("CCBS")
- Call Center redials
- Causes unnecessary signaling traffic

-But Main Problem Is:

Neither caller nor called party will know if there is a problem with blocking!

Why Not Provide Busy Indication?

From FCC DA 12-154:

13. *False and misleading information.* We further clarify that some provider practices in connection with the routing practices discussed above may separately violate section 201(b). We understand that when a call fails to terminate in a rural exchange, the caller may hear an intercept message indicating that the call cannot be completed because the number is out of service or not reachable – when in fact the number is in service and is reachable.[39] One impact of supplying false out-of-service messages is to shift the perceived responsibility for call failure – from the viewpoint of the caller – from the originating provider to the terminating rural provider, which may frustrate consumers and make it more difficult to trace and correct problems.[40] As discussed above, section 201(b) prohibits unjust and unreasonable practices in connection with interstate communications services. The Commission has found that practices by common carriers that deceive or mislead customers are unjust and unreasonable practices under section 201(b).[41] It is a deceptive or misleading practice, and therefore unjust and unreasonable under section 201(b), to inform a caller that a number is not reachable or is out of service when the number is, in fact, reachable and in service.[42]

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Why Not Provide Busy Indication?

-Sets Precedent for SHAKEN & STIR

Calls are being blocked based on analytics now,

But calls will also be blocked in a 'SHAKEN & STIR' environment, so

What ever is adopted now will be used in other blocking architectures, like SHAKEN & STIR.

Do we think there will not be any problems in deploying 'SHAKEN & STIR'?

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Why Provide a Busy Indication?

-Allegedly Helps Scammers

But this a false premise, as scammers know when busy rates increase, and they switch out their numbers.

In fact, scammers are migrating to replacing the calling party number for each call.

The “help” provided to scammers is illusory, but the harm to consumers and call originators is real!

What isn't being argued

Carriers are not arguing that providing an intercept and cause code is technically difficult or expensive.

Potential Anticompetitive Concerns

- A carrier will know when its own customers originate calls.
- A carrier can fine tune its blocking algorithms to treat its own customers differently.
- This is expected, because a carrier cannot readily know about the calling patterns in advance for call originating from other carriers.

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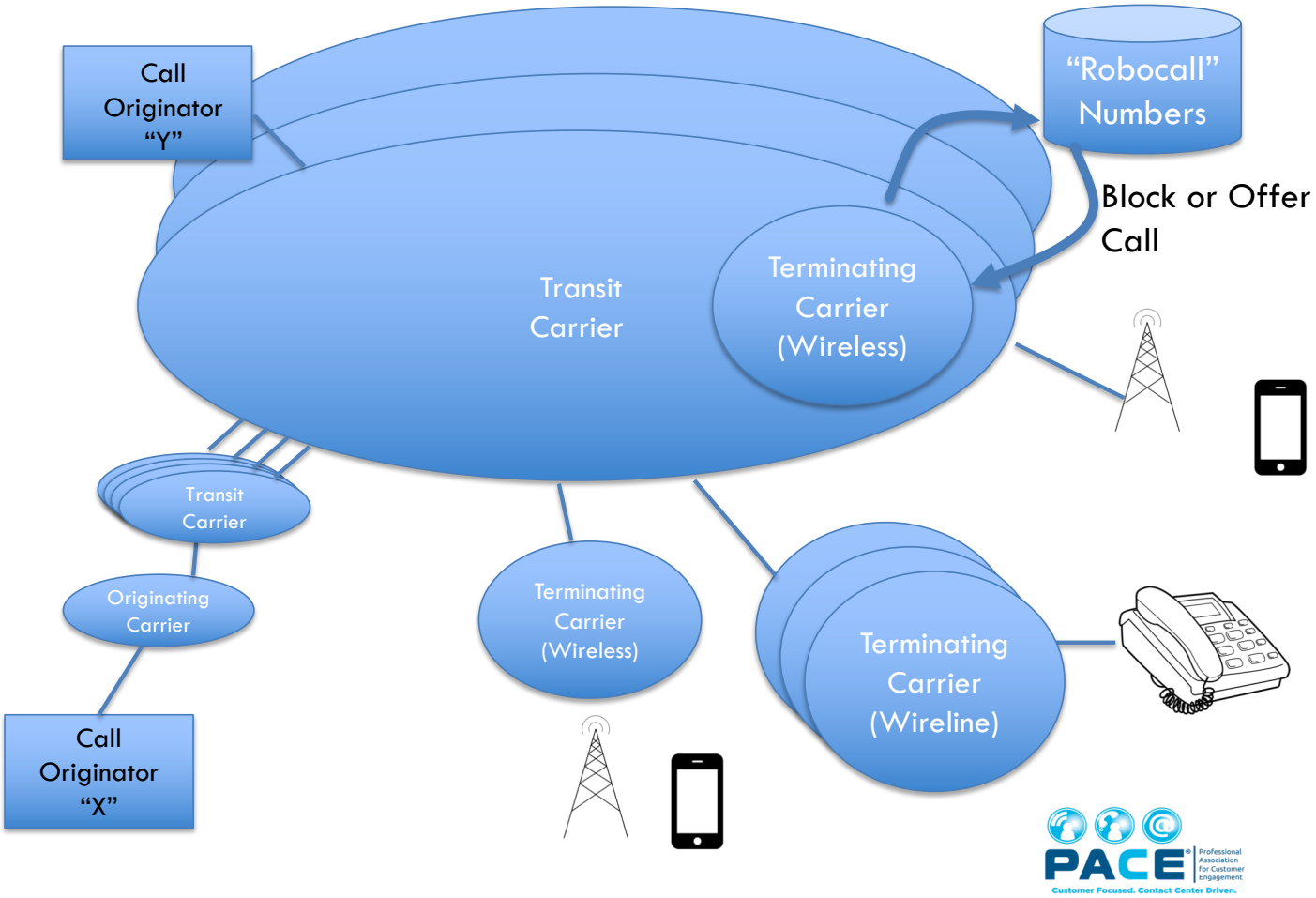
Robocall Processing – Call Blocking



Tempting Solution

- Customer's calls are being blocked
- Originating carrier does not know why or who
- Difficult and time consuming to resolve
- Solutions

    a) Customer can switch their originating carrier

    b) Originating carrier can obtain their numbers from a larger transit carrier

It is easy for larger carriers to displace competitors.

Necessary Solution

- **A per-call blocking indicator informs the call originator as to which terminating carrier is blocking that Calling Party Number.**

Got Questions?

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Thank You

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A History of Engineering and Science in the Bell System

Switching Technology (1925–1975)

Prepared by A. E. Joel, Jr. and
Other Members of the Technical Staff,
Bell Telephone Laboratories
G. E. Schindler, Jr., Editor.

Bell Telephone Laboratories, Incorporated

federal government—such as the Federal Telephone System (FTS) for civilian use (cutover February 1963), Switched Circuit Automatic Network (SCAN) for the army (first service December 1961), and the Command Automatic Dial Switching System for NORAD (service November 1963), later combined into AUTOVON for the Defense Department's general needs—were among the first to be placed into service.[36] By 1971 more than 25 of these networks were established for commercial customers with some offices serving as many as 4 or 5 customers.

While the intention was for this to be a fixed-rate service, provision was added for recording automatic message accounting data on 10 percent of the calls. In 1975, the systems were modified so that the access to facilities, including intraoffice trunk circuits, could be limited to a number subscribed-to according to revised tariffs. This is known as a simulated facilities group.

In many cases, CCSA customer networks include not only PBXs but also Centrex service from the same switching systems. CCSA service includes not only access to private network switching and transmission facilities, but also local and distant (foreign exchange) access to the public network and direct or tie trunk facilities between PBXs connected to the network. Also added in 1975 were arrangements known as flexible or automatic route selection that permit the customer to choose the order and degree to which calls may be routed from particular telephones over the available facilities.

1.10 Expanded DDD

From a service point of view, direct distance dialing resulted in a great change in the public's dialing habits. Nevertheless, 40 percent of the toll calls, such as person-to-person, time and charge, etc., still required operator assistance. These calls were converted to customer-dialed calls with the development of the traffic service position (see Chapter 10, section I). Service with TSP was originally known as "expanded DDD."

The location of the stored-program controlled cordless positions in the telephone network makes the TSPS ideally suited for the introduction of many new services and the further automation of operator services. Since the service potentials of these systems are greater than expanded dialing of toll calls, this service name was dropped in the early 1970s. Some new services envisioned for expanded DDD are described under the name "Stored-Program Control (SPC) network" (see Chapter 12, section IV).

1.11 Automated Intercept Service

As described in the first volume of this History series,[37] calls to disconnected numbers were originally passed to special desks for the purpose of giving the caller information about the called number

or party. With the introduction of dial service, it was possible to dial numbers that were unequipped. Initially, a vacant code tone was applied to these terminals, but with DDD service the number of office codes that could be dialed expanded greatly. It became desirable to indicate not only that an unequipped or unassigned number was reached, but where it was located.

Recorded announcements not only provided an indication that an unequipped or unassigned terminal or code was reached, but could also contain a code or phrase indicating to where the call progressed. The first of a series of magnetic drum recording systems, the 6A, was introduced in 1955[38] (see Fig. 11-17). Later, improved magnetic drum systems were introduced—the 9A[39] and 11A[40] in 1959 and 1963, respectively. These systems were used not only for intercept but also when abnormal congestion was encountered in the network, indicating with a plant code the location reached in the network.[41] This was an important part of the DDD improvement program (see below, section 3.1).

The later development and deployment of the automatic intercept system did not eliminate the need for routine plant announcements.

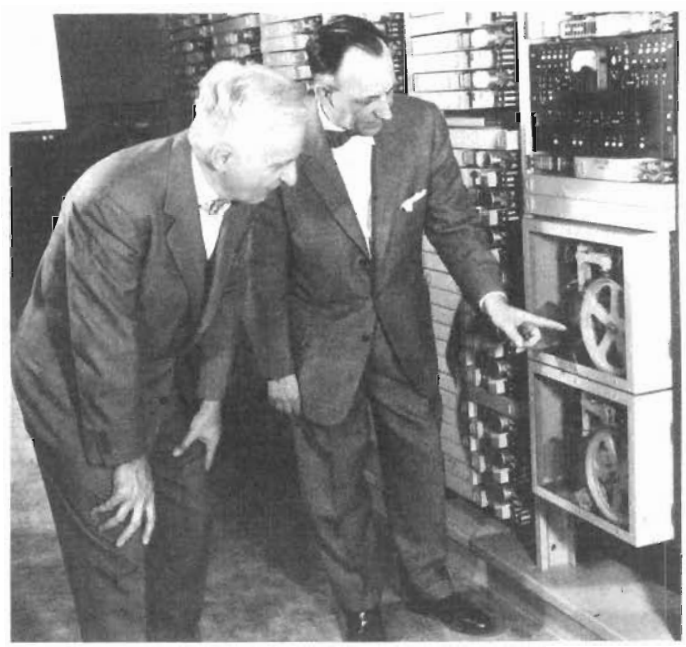

Fig. 11-17. A. R. Bertels (left) and H. F. Brueckner discussing the magnetic drums of the 6A recording system, introduced in 1955.